

## FREEDOM COURT REPORTING

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
2 MARSHALL DIVISION  
Case No. 2:08-cv-422 TJW  
3

4 -----  
DEPOSITION OF BETHANY J. MAYNARD

5 July 16, 2010  
6 -----

7 PATTY BEALL, MATTHEW MAXWELL, TALINA MCELHANY and  
KELLY HAMPTON, individually and on behalf of all others  
8 similarly situated,  
9 Plaintiffs,  
10 vs.  
11 TYLER TECHNOLOGIES, INC., and EDP ENTERPRISES, INC.,  
12 Defendants.  
13 -----  
14

### 15 APPEARANCES:

ZELBST, HOLMES & BUTLER, by

16 Ms. Chandra L. Holmes Ray

P.O. Box 365

17 411 Southwest Sixth Street

Lawton, Oklahoma 73502

18 Appeared on behalf of the Plaintiffs.

19 MORGAN, LEWIS & BOCKIUS, LLP, by

Mr. Paulo B. McKeeby

20 1717 Main Street, Suite 3200

Dallas, Texas 75201

21 Appeared on behalf of the Defendants.  
22  
23  
24  
25

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

EXHIBIT 4

## FREEDOM COURT REPORTING

Page 2

1 Pursuant to Notice and the Federal Rules of  
 2 Civil Procedure, the deposition of BETHANY J. MAYNARD, called  
 3 by Defendants, was taken on Friday, July 16th, 2010,  
 4 commencing at 9:45 a.m., at 710 North Plankinton Avenue,  
 5 Milwaukee, Wisconsin, before Elaine A. Thies, Registered  
 6 Professional Reporter and Notary Public within and for the  
 7 State of Wisconsin.

### I N D E X

10 Examination by:	Page
11 Mr. McKeeby	3
Ms. Holmes Ray	92

### E X H I B I T S

15 Exhibit No.	Description	Page
16 No. 1 -	An e-mail and resume	11
No. 2 -	Offer letter received from Mr. Sansone	17
17 No. 3 -	Most current resume	21
No. 4 -	Performance review document	70
18 No. 5 -	Self-assessment form	70
No. 6 -	Opt-in form	83
19 No. 7 -	Performance evaluation dated March of 2006	85

20 (Original exhibits attached to original  
 21 transcript. Copies attached to copy transcripts.)

367 VALLEY AVENUE  
 (205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 13

1 Q Okay. But you do believe based on your e-mail I  
2 take it that it referred to an opening in an  
3 implementation specialist position?

4 A That's what I'm saying in this e-mail so-.

5 Q Okay. And then in the third paragraph you  
6 summarize your experience with ATX in the capacity  
7 of implementation specialist?

8 A Yes.

9 Q Were the job duties at ATX as an implementation  
10 specialist the same as your job duties at Tyler as  
11 an implementation specialist?

12 A Yes.

13 Q So these different duties that you list here --  
14 let's just go over each one of them. You say in  
15 representing your job duties at ATX, the first one  
16 is to gather data requirements from clients. Is  
17 that something you did at Tyler as an  
18 implementation specialist?

19 A Yes.

20 Q Analyzing their business needs, that's again your  
21 description of a function that you performed at  
22 ATX. Is it your testimony that you also performed  
23 that function as an implementation specialist at  
24 Tyler?

25 A Yes.

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 14

1 Q And what about installation of software; that again  
2 is one of the items you've used to describe your  
3 job duties at ATX. And is that something that you  
4 did as an implementation specialist at Tyler?

5 A Yes.

6 Q I take it the same is with respect to the next  
7 entry which is train users and provide -- Well, let  
8 me just start with train users. You trained users  
9 while you were at Tyler as well; correct?

10 A Yes.

11 Q And then providing support during the  
12 implementation phases; is that something that you  
13 did at Tyler as well as ATX?

14 A Yes.

15 Q To whom did you -- While you were an implementation  
16 specialist, to whom did you report at ATX?

17 A Kevin Hogan.

18 Q And then the next sentence says in describing again  
19 your position at ATX, this was to include traveling  
20 to various sites and working with end users in  
21 person while documenting and meeting project  
22 milestones.

23 I take it that's also a description  
24 of functions you performed as an implementation  
25 specialist at Tyler?

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 15

1 A Traveling to various sites, yes. Working with end  
2 users in person, yes. Documenting and meeting  
3 project milestones, yes.

4 Q Okay. What was -- I see there looks like a  
5 description here, but just in your own words today  
6 what was your reason for leaving ATX?

7 A Uncertainty about the company after the -- it was  
8 bought out.

9 Q Who bought it out?

10 A I can't remember.

11 Q Was that at the time when there was this split that  
12 you mentioned between --

13 A Correct.

14 Q -- between ATX and Tax Solver?

15 A Correct.

16 Q Were you -- How were you paid as an implementation  
17 specialist at ATX?

18 A Hourly.

19 Q Was that the case the entire time?

20 A Yes.

21 Q So you were paid overtime for hours that you worked  
22 in excess of 40 while you were at ATX?

23 A Yes.

24 Q Did you receive any compensation other than your  
25 hourly wage while you were employed at ATX as an

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 25

1 A Sixteen -- I think there was a 16 billable day goal.  
2 There -- and 16 may not be accurate, but there was a  
3 billable day goal so-.

4 Q If I said it was 13, does that ring a bell?

5 A Thirteen maybe.

6 MS. HOLMES RAY: Object to the form.

7 THE WITNESS: It could be. I'm not sure.

8 BY MR. MCKEEBY:

9 Q Okay, you're just not sure.

10 A I'm not sure.

11 Q You know there were certain requirements --

12 A There was a billable day goal.

13 Q And what constituted a -- what made a day billable  
14 as opposed to non-billable?

15 A Going to a client site and providing services.

16 Q Okay. So in other words, when you were at the  
17 office in Falmouth, it was not a billable day?

18 A Unless you were providing training via the phone.

19 Q Okay. So you said you would have to back out the  
20 number of days that you would have spent on average  
21 approximately at the office at Falmouth, and I  
22 think I kind of interrupted you while you were  
23 maybe making that calculation and got off on a  
24 tangent, but can you do that now?

25 A I would say on average per month five days.

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 26

1 Q And then the rest of the days were spent on the  
2 road remotely at customer sites; correct?  
3 A On the road at customer sites or remotely at customer  
4 sites.  
5 Q And when you say remotely at customer sites, that  
6 means you would be in the office at Falmouth doing  
7 remote training?  
8 A Correct.  
9 Q Whenever you did remote training, it would have  
10 been from your office at Falmouth?  
11 A Yes, for -- until I moved to Wisconsin.  
12 Q Okay. Then you did remote training from your home?  
13 A From my home office, correct.  
14 Q What determined, if you know, whether or not you  
15 did remote training versus live training at the  
16 customer's site?  
17 A I don't know. Those days were told to me.  
18 Q They were told to you in the sense that you were  
19 told that either you needed to be at the customer's  
20 location or you were going to be doing training  
21 remotely?  
22 A Correct.  
23 Q When you did the training remotely, was it WebEx  
24 type training where you were using the internet?  
25 A Yes.

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 27

1 Q And the telephone I take it as well?  
2 A Correct.  
3 Q It wasn't videoed?  
4 A No.  
5 Q And who would tell you whether or not the training  
6 was remote or at the actual customer site?  
7 A Jane.  
8 Q And how would she communicate that to you, and by  
9 that I mean, to be a little more specific, was this  
10 something that she would tell you on a day-to-day  
11 basis, did you have like a monthly calendar, or  
12 some other method to tell you essentially where you  
13 were supposed to be on a particular day?  
14 A We had a monthly schedule.  
15 Q And Jane prepared that I take it?  
16 A Yes.  
17 Q And so I take it that that monthly schedule might  
18 have -- Can you think of a customer that you did --  
19 an example of a customer that you did training on  
20 site?  
21 A Yes.  
22 Q Okay, give it to me.  
23 A Indianapolis Public Schools.  
24 Q Okay. So on this schedule there would be periods  
25 of time in which you were to be at the Indianapolis

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**



## FREEDOM COURT REPORTING

Page 28

1 Public School customer site?

2 A Correct.

3 Q And just for ease of discussion, when -- Was that  
4 at the school actually or somewhere else?

5 A At the business office.

6 Q Business office, okay. And what would be typical  
7 as to the amount of days you were scheduled to be  
8 at the business office? Again, if it's helpful  
9 using this example of the Indianapolis Public  
10 Schools.

11 A Days per week? Days per month?

12 Q Let's start with days per week.

13 A Three and a half, four.

14 Q Now, when you did this work for the Indianapolis  
15 Public Schools, was that while you were living in  
16 Wisconsin or in Maine or both?

17 A That is not the reason I left either place.

18 Q No, no, not the reason, but while you were doing  
19 that work at Indianapolis Public Schools and  
20 visiting their business office -- I take it you  
21 visited their business office more than once?

22 A Yes.

23 Q Okay. And so my question is was that while you  
24 were working in Maine or while you were working out  
25 of your office in Wisconsin --

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 29

1 A Both.

2 Q -- or both? Okay.

3 So the monthly schedule comes out.

4 It says, let's say for example, that you're to  
5 spend Tuesday through Friday of a particular week  
6 in the business office of the Indianapolis Public  
7 Schools. Do you -- Does it tell you anything else  
8 on the schedule as to what you're going to be doing  
9 on those days?

10 A What subjects, whether it's GL training or fixed  
11 asset training, accounts payable training.

12 Q GL, general ledger?

13 A Yes.

14 Q And so these are just the different applications of  
15 the Munis Financial software package that you would  
16 be providing training on?

17 A Correct.

18 Q So the monthly schedule would tell you which of  
19 those applications would be trained on at  
20 particular times?

21 A Correct.

22 Q Would you have to have telephone communications  
23 with anyone at the business office to set any of  
24 this up, or had that already been done?

25 A Jane scheduled that.

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 30

1 Q So you would just show up?  
2 A Yes.  
3 Q You would know who to ask for?  
4 A Based on the contact list and the project plan, yes.  
5 Q So the project plan is a separate document that you  
6 would have been provided?  
7 A Yes.  
8 Q And that would have your contact information?  
9 A Correct.  
10 Q So was it simply a matter of when you would arrive  
11 at the business office, you would ask for that  
12 contact person?  
13 A Yes.  
14 Q You wouldn't have any telephone communications  
15 talking about the type of training or --  
16 A No.  
17 Q -- the scheduling or anything like that?  
18 A No.  
19 Q If that was done it would have been done by Jane?  
20 A Correct.  
21 Q Did you have to engage in any -- again, kind of  
22 returning to this not hypothetical but this example  
23 that you provided of visiting the business office  
24 of the Indianapolis Public Schools, and if it's not  
25 a good example for some particular reason we can

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 31

1 talk about that, but my question was going to be  
2 prior to going on that trip, was there any type of  
3 preparatory work that you would have to do specific  
4 to that project?

5 A Reviewing what subjects were going to be covered,  
6 making sure I was prepared to train on those, that I  
7 had the knowledge in those subjects and on those  
8 modules, and also phoning in making travel  
9 arrangements.

10 Q You used the term modules. Is that the same as an  
11 application?

12 A Correct.

13 Q Okay. And that's fine. I just want to make sure  
14 I'm on the same page. So by reviewing the  
15 subjects, you would -- you mean you would review  
16 what was on the monthly schedule as to what  
17 subjects were being trained?

18 A Correct, and then further, the steps that needed to  
19 be trained upon.

20 Q And when you say the steps that needed to be  
21 trained upon, was that something that was in the  
22 monthly schedule?

23 A It's in the project plan.

24 Q Okay. And when you say the steps that need to be  
25 trained on, what does that mean? Is that

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 32

1 particular aspects of the module that need to be  
2 focused on, or do you mean something other than  
3 that?

4 A Correct, features, makeup of -- if you're talking  
5 about I'm going to go train on journal entries, then  
6 I need to, you know, make sure that I talk about and  
7 train on general ledger accounts and dates and  
8 debits, credits and dollar amounts. I mean there's  
9 certain training items, bullet points, that go with  
10 every subject.

11 Q Okay. And that would have been on the project  
12 plan?

13 A Yes.

14 Q How -- I've never seen a project plan. Is it like  
15 a notebook or a couple of pages?

16 A It's an Excel document. Jane's project plans are  
17 Excel documents.

18 Q Okay. How long a document?

19 A How many pages?

20 Q Yeah.

21 A It depends on how big the client is --

22 Q Fair.

23 A -- how many subjects they have, modules.

24 Q Okay. But you would review it to ascertain which  
25 particular features were being covered on each of

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 33

1 the modules on which you were training?

2 A Correct.

3 Q And you also said that if you -- you wanted to make  
4 sure that you had knowledge of the particular  
5 modules on which you were training; is that right?

6 A Correct.

7 Q And were there instances where you did not have  
8 knowledge of a particular module?

9 A Yes.

10 Q What would you do in that situation?

11 A Read documentation.

12 Q What kind of documentation do you mean?

13 A Software documentation. If it was particularly after  
14 an upgrade or a new release, maybe going back to  
15 release notes and reviewing.

16 Q And this type of work you would perform during your  
17 office days?

18 A If I had office days. If I didn't it was at home.

19 Q Now, when you would go to the customer's site,  
20 would you bring anything with you in terms of --  
21 well, what would you bring with you? If you're  
22 arriving at the customer site -- and again, I'll  
23 use the Indianapolis Public Schools as an example.  
24 You've -- you know your contact, you've read the  
25 project plan, to the extent that you've needed to

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 34

1 brush up on any of the particular modules you've  
2 done so, and you're arriving on the Tuesday, let's  
3 say hypothetically, that you're scheduled to be at  
4 the business office of the Indianapolis Public  
5 School System, and you ask for your contact person.  
6 Do you have anything with you related to the  
7 project?

8 A My laptop which has the project plan, the documents.

9 Q So it has the project plan on it, and when you say  
10 the documents --

11 A Documentation, user documentation that Munis has for  
12 their modules. You know, often times you have an  
13 internet connection so if you need to get to a  
14 website.

15 Q Okay. Now, at this point in the process of selling  
16 the software by Tyler to the customer, the  
17 customer's already entered into a contract to  
18 purchase the software; correct?

19 A Yes.

20 Q And the customer's data that was in its previous  
21 software has already been converted to Tyler's  
22 systems, to Munis system?

23 A That depends on what type of training day I'm there  
24 for, at what point in the implementation I'm there.

25 Q And tell me a little bit more about that and let me

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 35

1 ask you a specific question. What would it depend  
2 on as to whether or not -- what different types of  
3 training would you provide that would differ  
4 depending on whether or not a conversion had  
5 already taken place?

6 A If I'm there to set up user security, that's  
7 happening very early on and is not -- doesn't require  
8 data to be in the system.

9 Q Okay.

10 A However, if you're doing general ledger training,  
11 there may need to be the chart of accounts converted  
12 into the system.

13 Q User security training, that would simply be  
14 training as to maintaining the passwords and other  
15 security devices associated with the software?

16 A And permissions.

17 Q But the data from the company's -- the client's old  
18 system need not be converted at that point?

19 A No.

20 Q That's a true statement?

21 A Yes.

22 Q Do I understand correctly that Munis while you were  
23 employed with Tyler had a separate department that  
24 did the actual conversion of the information?

25 A Yes.

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**



## FREEDOM COURT REPORTING

Page 36

1 Q You didn't convert the information as an  
2 implementation specialist at Munis?

3 A No.

4 Q What was that? Was it called the conversion  
5 department?

6 A I can't remember what they were called.

7 Q But it was a particular department?

8 A It wasn't me. I don't know. I don't know.

9 Q That's fine. Okay. Not employees that you would  
10 have interacted with on a regular basis?

11 A Define on a regular basis. I mean during -- during a  
12 conversion?

13 Q Yeah.

14 A Yes.

15 Q On what -- What was the context of the interaction?  
16 What would you guys -- would you be -- would they  
17 have questions for you?

18 A On the phone. I would be asking them why data didn't  
19 come in, wasn't there, was missing, was wrong.

20 Q And that would be something that you would have  
21 detected during the course of your training?

22 A Yes.

23 Q And when you're doing the actual training, I take  
24 it -- let's put security training to one side, but  
25 when you're doing the general ledger training or

## FREEDOM COURT REPORTING

Page 37

1 any of the other type of training on the Munis  
2 Financial software modules, you are actually  
3 providing in the -- at least when you're on site  
4 live training to the users?

5 A Yes.

6 Q Are you comfortable with me calling it a  
7 classroom-type setting?

8 A In some cases it's a classroom and if there's enough  
9 users to qualify as a classroom.

10 Q Right.

11 A In some it may be one on one --

12 Q And that --

13 A -- with --

14 Q Sorry, go ahead. I didn't mean to interrupt.

15 A -- with a user.

16 Q And that would depend on the size of the customer?

17 A It could be the size of the customer. It could also  
18 be the subject on which you're training.

19 Q Because in the latter example, the subject on which  
20 you were training might have been -- had  
21 application only to a limited number of users?

22 A Correct.

23 Q And so if it differs from whether it's a classroom  
24 or more individualized-type training, you can let  
25 me know, but you would be training on the actual --

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 38

1           again, putting the user security training to one  
2           side and talking now about the Munis Financial  
3           modules, the training would be done on the system  
4           as opposed to like on a PowerPoint in which you're  
5           teaching. You have your laptop, the user has the  
6           laptop, and you're training on the modules while  
7           the user is on the system?

8    A    Yes.

9    Q    So each person in the training, whether or not it  
10          be one or two or 12, just using hypothetical  
11          numbers, would have a laptop?

12   A    Not always, depending on resources at the client  
13          site.

14   Q    But they would be looking at a laptop maybe that  
15          was being operated by someone else?

16   A    Correct, on a screen.

17   Q    Okay. So you would -- Would -- Your laptop would  
18          be projected on a screen typically?

19   A    Sometimes mine; sometimes the client's.

20   Q    Okay. When you did training on a particular  
21          module, and maybe we can take general ledger as an  
22          example -- if it's not a good example, you can let  
23          me know -- but how would you go about conducting  
24          the training, how would you know what to do?

25   A    General ledger training probably not the best because

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 39

1           it's broad.

2     Q     Okay, so give me a better example.

3     A     A more concise version would be requisition training,

4           decentralized requisition training.

5     Q     Just for my benefit, what does requisition mean in

6           that context?

7     A     Purchase requisition.

8     Q     Okay. So that's a better example. What would

9           you -- How did you know how to train on that

10          software, the purchasing -- or rather the

11          requisition trainings -- I'm sorry -- the

12          requisition software is a better way to call it I

13          think.

14    A     Read the documentation surrounding the module, know

15          how the client's using it.

16    Q     And knowing how the client is using it would come

17          from the project plan?

18    A     Project notes in the project plan, yes. Also from

19          walking through the configuration options for them:

20          Security, things like that.

21    Q     What does the term configuration option mean?

22    A     Chart of accounts. I mean general ledger accounts

23          that they have in the system; how many levels of

24          approvers they have, approval chains, that have been

25          set up previously.

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 40

1 Q So that levels of approval means who gets what  
2 information and who has to approve --

3 A Well, specific to requisitions. Requisitions went  
4 through the system electronically for approval. In a  
5 day previous to a decentralized training class, we  
6 would have had a training class with the purchasing  
7 department on how to enter an approver and how to set  
8 up an approval chain.

9 Q Okay.

10 A Wherein, we would have learned from them how they  
11 were going to set it up.

12 Q So that wouldn't have been something that you would  
13 have learned in the project plan. That would have  
14 been something you would have gathered from the  
15 client in this sort of initial training?

16 A If I didn't do the training on the approval chain, it  
17 would be documented so that I would have that  
18 information.

19 Q But sometimes you would do the training on the  
20 approval chain?

21 A Yes.

22 Q So in that case I mean you might document it, but  
23 you would also know it based on the training that  
24 you had performed?

25 A Correct.

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 41

1 Q And in the context of requisition software, levels  
2 of approval means what particular individuals have  
3 approval rights as to particular purchases?

4 A Correct.

5 Q And obviously you need to know that from the  
6 customer to be able to train the users?

7 A Yes.

8 Q Are you familiar with the term systems analysis?

9 A Yes.

10 Q I'm sorry. There's a different term that I'm going  
11 to ask you about. Something called analysis  
12 sessions?

13 A Yes.

14 Q Does an analysis session as it was used at Tyler  
15 Munis refer to this initial type of training that  
16 you just testified to concerning in this example  
17 the approval chain with respect to requisition  
18 software?

19 A What analysis session means to me is that each client  
20 is different but the software remains the same, so  
21 it's determining how the client's going to use the  
22 software of the prescribed ways you can use it.

23 Q Is an analysis session something that you performed  
24 as an implementation specialist?

25 A I conducted training sessions where we decided which

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 42

1 way the software was going to be used.

2 Q And would one example have been in the training

3 that you just mentioned about the requisition

4 software?

5 A Training users on how to enter an approver would lead

6 itself to finding out how many approval levels

7 they're going to have and who those are going to be,

8 yes.

9 Q So that involves a dialogue with the client?

10 A There's a training aspect to show them how to set

11 that up because they set up their data, and, yes,

12 information being shared with them on instructions I

13 guess on how that could be set up.

14 Q So was that an example then of an analysis session?

15 A That's an example of an analysis session.

16 Q There's a training component but there's also an

17 analysis component?

18 MS. HOLMES RAY: I object to the form.

19 THE WITNESS: I -- Define analysis I

20 guess. I explained that there's a training

21 component saying this is how you enter an approver,

22 this is how it's going to show up, this is how it's

23 going to govern a requisition.

24 BY MR. MCKEEBY:

25 Q Right, right. That's what I understand to be

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 43

1 training. And I'll tell you what I understand to  
2 be analysis. Analysis, as I understand it, and I  
3 need you to tell me if you agree, but the analysis  
4 component of that process if you will is  
5 determining what the chart of accounts is and  
6 what -- who has particular levels of approval.  
7 A No. Any -- When you walk into a municipality, their  
8 purchasing departments already have prescribed  
9 approval levels, dollar amounts, department heads.  
10 They have an approval structure for purchasing  
11 already in place. I guess in an analysis session  
12 it's translating what may be in a piece of paper  
13 somewhere so that it works in the system  
14 electronically.  
15 Q Okay. So the analysis session as we've been  
16 describing it doesn't necessarily relate to levels  
17 of approval. It relates to how particular  
18 information is going to be used in the Tyler  
19 software?  
20 A How the levels of approval are going to get into the  
21 Tyler software.  
22 Q Okay. So that type of training and analysis would  
23 have been performed either by you or someone else  
24 prior to the training of the users on how to  
25 operate the general ledger software or application?

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**



## FREEDOM COURT REPORTING

Page 50

1 more than one implementation specialist dispatched  
2 to a particular customer location to do training on  
3 a particular module?  
4 A That would depend on the size of the client and the  
5 breadth of the services that they purchased from us.  
6 Q So -- and I guess that would also be your answer if  
7 I asked you how long a particular implementation  
8 took?  
9 A Correct.  
10 Q What could it vary from?  
11 A Two months to two years.  
12 Q Depending on the size of the client and the number  
13 of applications that were purchased?  
14 A Among other things, yes.  
15 Q What other things?  
16 A Conversion issues, client issues, budget issues.  
17 Q Sure. And am I right that a client purchasing the  
18 Munis Financial software could purchase particular  
19 applications, that is, they might purchase the  
20 general ledger software but they might not purchase  
21 the decentralized requisition software for example?  
22 A Correct.  
23 Q And you weren't involved in that aspect of the  
24 sales process. That would have been done prior to  
25 you being on the scene as an implementation

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 51

1 specialist?

2 A Correct.

3 Q Were you -- Did you have any responsibilities with

4 respect to supporting the software once it -- once

5 your training had been completed and the customer

6 had gone live? Did they call you and say, hey, you

7 know, I'm not -- I have questions about this, or

8 was there a separate department for that?

9 A After their formal transition to support, there was a

10 support department.

11 Q And by that response it makes me think that there

12 was some period where there was -- prior to there

13 being a formal transition to support. Is that what

14 you meant to convey?

15 A Correct, formal transition to support happens after a

16 period of time after the client has gone live.

17 Q Okay. What period of time was it or did that

18 depend too?

19 A It depends.

20 Q Okay. So there's a transition period then before

21 they are transferred to support?

22 A Yes.

23 Q They being the client?

24 A Yes.

25 Q And that -- and during that transition period, if

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 52

1 the client has questions about particular aspects  
2 of the software do they call you or someone else or  
3 how did that work?

4 A They would.

5 Q They would call you?

6 A They would call me. They might call the  
7 implementation specialist. They might call the  
8 project manager.

9 Q So would you typically -- Who from the client would  
10 give -- would call you in these instances during  
11 this transition period where they would have  
12 questions about the software? Would that be one of  
13 the users that you had trained, or would it be  
14 someone at a different level or an IT person?

15 A It could be anyone. It depends on the size of the  
16 client again.

17 Q But it could be if it's a smaller client the actual  
18 user asking a day-to-day type question?

19 A In any case it's going to be --

20 Q True.

21 A -- a user or a member of the project team on their  
22 side.

23 Q And did you -- When you would get those calls would  
24 you document them?

25 A That depends on the nature of the call.

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 53

1 Q What type of calls would you document, and again,  
2 I'm talking about these calls that you would  
3 receive during this transitionary period before --  
4 or this transition period before the customer was  
5 moved to support?

6 A Sometimes these were e-mails so I guess by way of  
7 responding to them I was documenting them and perhaps  
8 cc my project manager on that.

9 Q Okay. So you're saying that there were --  
10 sometimes the questions from the client would come  
11 in e-mail form?

12 A More often than not e-mail form.

13 Q But you didn't have any type of responsibilities  
14 sort of akin maybe to the trip report where you  
15 were having to enter in some summary of the call  
16 and what the resolution is or anything like that?

17 A No.

18 Q So let's say for example the client didn't send you  
19 an e-mail but called you on the telephone and said  
20 I'm having trouble with this application of the  
21 software, can you walk me through this, and let's  
22 assume for the purposes of my hypothetical that you  
23 were able to do it and address the client's  
24 concern; that would be the end of it and you  
25 wouldn't have to write that down somewhere?

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 54

1 A Correct.

2 Q And how did you know what the transition period

3 was? Is that something that was in like a contract

4 or in the project notes?

5 A In the project plan, when the --

6 Q In the project plan?

7 A The date of the formal support transition was in the

8 project plan.

9 Q So that's something that the client knew as well

10 presumably?

11 A If they looked at their project plan.

12 Q And the project plan was something that was shared

13 with the client?

14 A Yes.

15 Q Were you as an implementation specialist at Tyler

16 on location when the customer went live?

17 A In most cases, yes.

18 Q Was there -- Would there be a particular reason why

19 you weren't there in certain instances?

20 A Size of the client, breadth of services.

21 Q Can you think of an example of a customer where you

22 were at the customer's site when they went live?

23 A At Clover Park School District outside of Seattle,

24 Washington.

25 Q So had you traveled to Seattle for this?

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 55

1 A Yes.

2 Q And so you were at the school district's business  
3 office when they went live?

4 A Yes.

5 Q How did it go?

6 A New Year's Day.

7 Q That's why you remember it. Did the go live go  
8 smoothly?

9 A Actually I think I traveled on New Year's Day, but  
10 yeah, as smoothly as a go live goes.

11 Q And just so that we're on the same page, go live  
12 means when the customer is actually using the Tyler  
13 software to perform day-to-day functions --

14 A Correct.

15 Q -- and has converted from its previous system?

16 A Correct.

17 Q Did you -- Were you dispatched to the Clover Park  
18 School District business office particularly for  
19 the purpose of overseeing the go live process, or  
20 were you there already on other implementation  
21 work?

22 A No, specifically for the client's go live.

23 Q What were your functions -- what did you do during  
24 that period?

25 A Provided support to users, any further retraining

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 56

1       that was necessary, working with our internal support  
2       if something went wrong or wasn't right.

3     Q     Was there any other Tyler employee at the business  
4           office of the Clover Park School District during  
5           that time? Was the project manager --

6     A     Yes, Jane was there for that -- that particular go  
7           live, and I'm not a hundred percent sure of the name  
8           of that school district. That was a long time ago  
9           but I think it's Clover Park. Clover Valley,  
10          something like that.

11    Q     Something outside of Seattle?

12    A     Yes. Outside of Tacoma.

13    Q     Tacoma. And were there other times when you  
14           assisted with the go live process that Jane was not  
15           there?

16    A     Yes.

17    Q     And then in those instances you would have been the  
18           only Tyler employee at the premises?

19    A     Yes.

20                   MR. MCKEEBY: Can we take a short break?

21                   MS. HOLMES RAY: Uh-huh.

22                   (Recess taken.)

23    BY MR. MCKEEBY:

24    Q     While you were employed at Tyler, Ms. Maynard, did  
25           you keep track of the number of hours that you

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 57

1           worked?

2     A     No.

3     Q     There was no Tyler reporting system or anything

4           like that that you had to complete?

5     A     No.

6     Q     And did you do anything informally in a journal or

7           diary or otherwise to indicate the number of hours

8           that you worked during a week?

9     A     No.

10    Q     Did you ever work weekends while you were at Tyler?

11    A     I traveled on weekends.

12    Q     Any work other than travel?

13    A     If it was preparatory on a weekend for the upcoming

14           week, yes.

15    Q     That happened on occasion?

16    A     Yes.

17    Q     Do you have any estimates of the number of hours

18           that you averaged during a week at Tyler?

19    A     Averaged for the five years, 50.

20    Q     Did it change at any particular periods of time,

21           that is, I understand that the nature of an average

22           is that you're averaging different times, but were

23           there any particular let's say years where it was

24           higher or lower than 50 based on your recollection?

25    A     Yes.

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**



## FREEDOM COURT REPORTING

Page 87

- 1 A Yes, but not out of -- it wasn't -- there was no  
2 exclusivity. It was just the size of the client and  
3 their requirements at the time so-.
- 4 Q How long a period of time would that have been?
- 5 A I'd say probably the last year of my employment with  
6 Munis.
- 7 Q And do you agree with her statement at the end of  
8 that section where she says that Beth has worked  
9 with me to develop new plans and schedules for this  
10 client and is willing to provide suggestions for  
11 making this project a success?
- 12 A I'm not sure what she means by plans and schedules  
13 anymore than just relaying information, X number of  
14 people need to be trained, this many people need to  
15 be trained on this module, so that would assist her  
16 in planning a training schedule.
- 17 Q And she says you were willing to provide  
18 suggestions for making this project a success. Do  
19 you agree with that?
- 20 A Yes, I signed it so-. I can't speak to what she  
21 means there, but I wanted the project to be a  
22 success, certainly.
- 23 Q Did you -- When you were first hired by Tyler, did  
24 you go through any type of formal training?
- 25 A No.

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 88

1 Q Did you do kind of on-the-job training where you  
2 were shadowing different implementation  
3 specialists?

4 A I shadowed Jo Lamontagne for a handful of days.

5 Q Any other implementation specialists that you  
6 shadowed?

7 A Not that I recall.

8 Q Is that how you were trained?

9 A In addition to self-train.

10 Q And by self-training you mean reading the manuals  
11 that we've discussed to better learn the software?

12 A Yes.

13 Q Why did you leave Tyler?

14 A Didn't feel that there was a lot of opportunity there  
15 for me.

16 Q Opportunity for advancement?

17 A Correct.

18 Q I think you've answered a slightly different  
19 question but if you'll indulge me I'm almost done,  
20 but is it a true statement that during the tenure  
21 of your employment, you did not complain to anyone  
22 at Tyler about not being paid overtime?

23 A I did not complain to anyone formally about being  
24 paid overtime.

25 Q Informally or formally?

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 89

1 A About -- Specifically about being paid overtime? I  
2 can't recall ever complaining to someone, no.

3 Q Was that something during your employment with  
4 Tyler that you were -- that you had a problem with  
5 necessarily?

6 A I guess I don't understand the question.

7 Q I mean at the time. I mean obviously you've chosen  
8 to participate in this lawsuit --

9 A Correct.

10 Q -- and so you're asserting claims for overtime  
11 payment --

12 A Correct.

13 Q -- which contemplate a legal claim, and I guess my  
14 question is did you have -- while you were employed  
15 at Tyler, did you have a feeling that, you know,  
16 hey, I should be paid overtime?

17 A I knew I was working more than 40 hours a week.  
18 Whether or not I was entitled to overtime, I was not  
19 aware of that.

20 MR. MCKEEBY: Let me take a quick break  
21 and see if I have anything else.

22 MS. HOLMES RAY: Okay.

23 (Recess taken.)

24 BY MR. MCKEEBY:

25 Q I have a couple more questions.

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

## FREEDOM COURT REPORTING

Page 90

1 A Okay.

2 Q What's your highest level of education?

3 A Associates degree.

4 Q From where?

5 A Northern Maine Technical College.

6 Q Is that a four-year degree?

7 A Two-year degree.

8 Q When you were conducting the training that we've

9 spent a lot of time talking about at the customer

10 sites, am I correct that that was typically done by

11 yourself as opposed to side by side with another

12 Tyler employee?

13 A Yes.

14 Q And if you look at Exhibit 3 in front of you which

15 is your current resume, the resume at the second

16 page describes your job at Tyler; correct?

17 A Yes.

18 Q And it refers to it as Munis but we've discussed

19 already that that's -- we're talking about the same

20 thing for the purposes of the deposition; correct?

21 A Yes.

22 Q One of the things that it references as a duty

23 is -- or excuse me -- was aiding clients' IT staff

24 in determining system requirements. That's about

25 midway through the description. Do you see that?

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 35209 877-373-3660**

**EXHIBIT 4**

**Freedom Court Reporting, Inc**

**24**

1 be projects that are a little bit different from  
2 one to the other --

3 A Right.

4 Q -- but I'm going to talk to you at some length, as  
5 you imagine, about what your job involved, and what  
6 I want to know is do we need to break it up into  
7 segments, you know, kind of similar to what you  
8 mentioned at ATX where, you know, there was a part  
9 of your employment where you were doing programming  
10 duties and then you switched over to implementation  
11 duties, and I know there wasn't anything that  
12 dramatic at Tyler but was there -- if we talk about  
13 your job duties, do we need to break it up like by  
14 year or during other time periods, or can we just  
15 talk about it generally?

16 A Generally.

17 Q All right. So there were no significant changes --

18 A No.

19 Q -- in your job duties; is that true?

20 A Correct.

21 Q Okay. Let me start by asking how many days let's  
22 say during an average month at Tyler would you have  
23 spent at the office at Falmouth?

24 A I'll have to back into that. We were --

25 Q Yeah.

**Freedom Court Reporting, Inc**

**25**

1     A     Sixteen -- I think there was a 16 billable day goal.  
2           There -- and 16 may not be accurate, but there was a  
3           billable day goal so-.

4     Q     If I said it was 13, does that ring a bell?

5     A     Thirteen maybe.

6                         MS. HOLMES RAY: Object to the form.

7                         THE WITNESS: It could be. I'm not sure.

8     BY MR. MCKEEBY:

9     Q     Okay, you're just not sure.

10    A     I'm not sure.

11    Q     You know there were certain requirements --

12    A     There was a billable day goal.

13    Q     And what constituted a -- what made a day billable  
14           as opposed to non-billable?

15    A     Going to a client site and providing services.

16    Q     Okay. So in other words, when you were at the  
17           office in Falmouth, it was not a billable day?

18    A     Unless you were providing training via the phone.

19    Q     Okay. So you said you would have to back out the  
20           number of days that you would have spent on average  
21           approximately at the office at Falmouth, and I  
22           think I kind of interrupted you while you were  
23           maybe making that calculation and got off on a  
24           tangent, but can you do that now?

25    A     I would say on average per month five days.

**Freedom Court Reporting, Inc**

**26**

1 Q And then the rest of the days were spent on the  
2 road remotely at customer sites; correct?

3 A On the road at customer sites or remotely at customer  
4 sites.

5 Q And when you say remotely at customer sites, that  
6 means you would be in the office at Falmouth doing  
7 remote training?

8 A Correct.

9 Q Whenever you did remote training, it would have  
10 been from your office at Falmouth?

11 A Yes, for -- until I moved to Wisconsin.

12 Q Okay. Then you did remote training from your home?

13 A From my home office, correct.

14 Q What determined, if you know, whether or not you  
15 did remote training versus live training at the  
16 customer's site?

17 A I don't know. Those days were told to me.

18 Q They were told to you in the sense that you were  
19 told that either you needed to be at the customer's  
20 location or you were going to be doing training  
21 remotely?

22 A Correct.

23 Q When you did the training remotely, was it WebEx  
24 type training where you were using the internet?

25 A Yes.

**Freedom Court Reporting, Inc**

**27**

1 Q And the telephone I take it as well?

2 A Correct.

3 Q It wasn't videoed?

4 A No.

5 Q And who would tell you whether or not the training  
6 was remote or at the actual customer site?

7 A Jane.

8 Q And how would she communicate that to you, and by  
9 that I mean, to be a little more specific, was this  
10 something that she would tell you on a day-to-day  
11 basis, did you have like a monthly calendar, or  
12 some other method to tell you essentially where you  
13 were supposed to be on a particular day?

14 A We had a monthly schedule.

15 Q And Jane prepared that I take it?

16 A Yes.

17 Q And so I take it that that monthly schedule might  
18 have -- Can you think of a customer that you did --  
19 an example of a customer that you did training on  
20 site?

21 A Yes.

22 Q Okay, give it to me.

23 A Indianapolis Public Schools.

24 Q Okay. So on this schedule there would be periods  
25 of time in which you were to be at the Indianapolis